

MOTOR VEHICLE MODIFICATION

I. LEGAL AUTHORITY:

The Rehabilitation Act of 1973, as amended in Title IV of the Workforce Investment Act of 1998; 34 CFR 361.5(b)(8) (44)(45); 34 CFR 361.5(b)(57); and 34 CFR 361.5 (11)

II. POLICY STATEMENT AND PURPOSE:

Vehicle Modification services are specific rehabilitation technology services that may be provided for individuals with disabilities to access services to attain an employment goal as identified in an Individualized Plan for Employment. Vehicle modification services are supportive services designed to remove transportation barriers to attaining an employment goal.

III. PROCEDURES:

A. Definitions

1. Motor Vehicle Modification Coordinator (MVMC): The MVMC is responsible for reviewing motor vehicle modifications with the counselor, all bids submitted by vehicle modification vendors, and determining that motor vehicle modification services are provided in accordance with the provisions of this Chapter.
2. Structural Modification: A major structural modification, usually to a van, based on specific knowledge of the individual's functional ability to drive. Information about functional ability is obtained through a driving evaluation that includes hospital-based occupational and physical therapy evaluations specifically related to the individual's ability to drive or be a passenger. Structural modifications are usually permanent modifications to the vehicle, which are not easily transferred to another vehicle and may require major overhauls of the driving compartment or booster systems to activate the brake, accelerator, and steering systems. Structural modifications may include wheelchair lifts, reduced effort steering systems, reduced-effort hand control systems.
3. Non-structural Modification: A non-structural modification is based on specific knowledge of the individual's functional ability to drive. Information about functional ability is obtained through a driving evaluation, including hospital-based occupational and physical therapy evaluations specifically related to the individual's ability to drive or be a passenger. Non-structural modifications are usually non-permanent modifications to a vehicle, and are easily transferable to another vehicle, and do not require overhauls of the

driving compartment or booster systems to activate the brake, accelerator, and steering systems.

4. The Administrator or designee is responsible for the supervision of the Motor Vehicle Modification Coordinator (MVMC).

B. Scope of Services

1. Motor vehicle modification services are rehabilitation technology services that may be provided only when necessary to enable an eligible individual to achieve a vocational goal. Such services shall be provided only as part of an approved Individualized Plan for Employment (IPE). Structural modifications to a vehicle shall be provided only after an individual with a disability has developed an IPE with a vocational goal to achieve a competitive employment outcome (as defined in Section 115.10).

C. Evaluation of Need for Motor Vehicle Modification Services

1. Prior to initiating an evaluation for motor vehicle modifications, the counselor shall explore the availability of effective and efficient options to transport an individual for the intended purpose.
2. Individuals who request motor vehicle modification services to enable them to drive shall be required to undergo an evaluation authorized by the agency at a facility acceptable to the agency consistent with the individual's informed choice. The evaluation establishes the individual's functional ability to drive, the need for motor vehicle modifications, the type of vehicle which is appropriate, and the type and extent of modifications that are required.
3. Individuals who are planning to purchase a vehicle should be advised to wait until the required evaluation is completed before purchasing a vehicle. ORS reserves the right to limit by year, make, or model which vehicles it will consider for modification.
4. Individuals who request motor vehicle modification services to enable them to ride as a passenger shall also be required to undergo an evaluation authorized by the agency at a facility acceptable to the agency to determine the need for motor vehicle modification, the type of vehicle which is appropriate, and the type and extent of modifications required. The agency assumes the costs of such evaluation.
5. The counselor must inform the individual with a disability that proceeding with the evaluations is not a guarantee that the agency will participate, either in part or in whole, in the cost of vehicle modifications.

D. Limitations

1. The agency will not provide or purchase:
 - a. Modifications to a vehicle if the individual owns another vehicle which would meet transportation needs;
 - b. Modifications to vehicles which do not meet the requirements of state inspection under the R. I. Motor Vehicle Code;
 - c. Modifications to a vehicle for the purpose of enabling an individual to drive who, in the opinion of the agency after consultation with an agency consultant, is not capable of operating a motor vehicle with reasonable safety due to the individual's disability.
 - d. Structural modifications to a van, with or without existing modifications, if an automobile would satisfy the person's need for transportation. However, non-structural modifications such as hand controls, steering knobs, left-foot accelerator extensions, etc., may be considered if van transportation is preferred and no extensive structural modifications are required to make the van accessible to the person with a disability.
2. The agency will not provide structural modifications to a vehicle if the following conditions exist:
 - a. The vehicle is more than two (2) years old, or has more than thirty thousand (30,000) miles on the odometer. However, the Motor Vehicle Modification Coordinator (MVMC), with the concurrence of the Administrator or designee, may authorize the provision of modifications to such a vehicle subject to inspection and recommended approval by the ORS Vehicle Modification Consultant; or
 - b. When the agency has previously provided motor vehicle modification services to the same individual. The Motor Vehicle Modification Coordinator, with the concurrence of the Administrator or designee, may authorize provision of these services when there are exceptional circumstances related to the individual achieving an employment goal or maintaining employment; or
 - c. When the vehicle has previously been modified for another individual or has been modified by the client without the assistance of the agency. The MVMC, with the concurrence of the Administrator, may waive this limitation if the modification is deemed by the coordinator

to be appropriate and in conformance with good vocational rehabilitation practice.

- d. The above restrictions do not apply to automobile modifications that are non-structural in nature.

E. Determination of Financial Need (ORS-60 form) for Vehicle Modifications

1. In order to receive vehicle modification services as part of an IPE, an up-to-date financial need determination must be completed in accordance with Section 115.8 of this manual in order to determine the individual's ability or inability to purchase such services.
2. The 'Need Computation' section of the form allows for the deduction from gross weekly income of "on-going medical expenses or rehabilitation expenses." In cases where a van must be purchased for modification, a standard/average cost of two hundred dollars (\$200.00) per month is assigned as a deduction from gross income as a rehabilitation expense. The two hundred dollars (\$200.00) per month is the average difference between the cost of buying a van and purchasing an average mid-sized sedan.

F. Responsibilities of the Individual with a Disability

1. The agency will not assume responsibility for the regular or on-going maintenance or repair of vehicles for which it has provided modifications.
2. Insurance on Motor Vehicle Modification - The agency will not repair or replace motor vehicle modifications damaged by accident, vandalism, or fire. The counselor must emphasize to the individual receiving vehicle modification services that s/he must arrange for adequate insurance coverage.

G. Equipment

1. The agency will not provide standard equipment or customary optional equipment that is ordinarily available when an individual purchases a new vehicle. Such equipment includes, but is not limited to:
 - a. Automatic transmission;
 - b. Power steering;
 - c. Power brakes;
 - d. Automatic speed control;

- e. Air conditioning;
 - f. Heavy duty alternators; or
 - g. Power windows.
2. The agency will not purchase or pay for the installation of non-essential equipment, such as:
- a. Radios, AM or FM, or other entertainment equipment;
 - b. Burglar alarm systems; or
 - c. Insulation.
3. The agency may provide non-structural modifications to a vehicle. Such modifications include, but are not limited to:
- a. VA approved hand controls;
 - b. Wheelchair carriers or trunk loaders;
 - c. Pedal blocks;
 - d. Left foot brake and accelerator pedals;
 - e. Extensions on turn signal and/or shift lever; and
 - f. Electric parking brake.
4. The agency may provide equipment for an eligible individual that is designed to enable them to enter, exit, operate, or be transported in their modified vehicle. This equipment may include:
- a. Wheelchair securement systems; raised roofs; lowered floors.
 - b. Restraint systems if the factory-installed system is inadequate or inappropriate;
 - c. Modification to the power brake system already purchased; switches or touch pads for secondary controls.
 - d. Wheelchair lift;
 - e. Dual battery system;

- f. Outside rear-view mirrors;
 - g. Rear end sensors; and
 - h. Other equipment essential for safe entry, exit, and transit in the vehicle.
 - 5. After completion of structural modifications to automobiles or installation of equipment in vans, the installed equipment belongs to the client.
 - 6. If the motor vehicle under consideration is not owned by the individual with a disability and is owned by a family member, the counselor must obtain a notarized statement from the owner giving permission to the individual to drive the motor vehicle for at least ten (10) years. The owner must also provide written permission to proceed with the proposed vehicle modification and provide proof of ownership (i.e., DMV registration form, title certificate, tax bill, copy of bank loan, etc.). If there is a lender or mortgagor, clearance from that party must also be obtained in writing. In addition, the owner and client must sign a statement that the client will continue to meet the registration, insurance, and inspection requirements in accordance with RIGL 31-3-2, 31-38-1, and 31-47-1 et seq.
- H. Vendor Selection Process for Modifications under \$2,500.00
- 1. The counselor is responsible for ensuring that the individual with a disability and anyone with a lien on the vehicle approve the final plans before submitting them to the MVMC.
 - 2. All purchases of two hundred fifty dollars (\$250) and over but less than two thousand five hundred dollars (\$2,500) require a current driving evaluation report with recommendations for the adaptive driving equipment. The counselor and client will select appropriate vendors and obtain at least three (3) cost estimates for the adaptive equipment. In most cases, adaptive driving equipment costing less than two thousand five hundred dollars (\$2,500) will be non-structural in nature and will not require the intervention of the Rehabilitation Technologist. In these cases, the counselor will treat the situation like any other assistive technology service and authorize the vendor directly after obtaining cost estimates and selecting the most suitable vendor considering cost, expertise, and user preference.
 - 3. An on-the-road evaluation will be obtained when recommended by the driver evaluation facility or when deemed appropriate by the counselor.

4. If driver training with the adaptive driving equipment is recommended, such training will be provided to ensure the person with a disability is able to operate the vehicle within the boundaries of safety required by law.

I. Vendor Selection Process for Modification in Excess of \$2,500.00

1. The counselor will submit to the MVMC:
 - a. The completed Motor Vehicle Modification Request;
 - b. All pertinent comprehensive evaluations concerning the individual's driving ability, as well as the need for modification;
 - c. All pertinent information from approved waivers accompanied by a written report from the individual's regular mechanic; and
 - d. A copy of the IPE (ORS-17) and Economic Need Determination form (ORS-60).
2. After an initial review by the MVMC, this information (excluding the ORS-17 (IPE) and ORS-60 (Economic Need Determination)) is forwarded to the agency's rehabilitation technology consultant to review the information and provide the agency with a bid request document.
3. The MVMC will furnish the counselor with a list of approved vendors. Three (3) vendors will receive the scope of work requested in order to receive three (3) bids after discussion between client and the counselor.
4. Upon receipt of the solicited bids, the counselor and the MVMC, with consultation from the Rehabilitation Technologist if appropriate, will review them for compliance with the bid request and notify the bidder of any discrepancies as soon as possible.
5. After the approved bids have been received and reviewed, the lowest bidder for the scope of work is selected to develop a contract to implement the approved plan. The contract must contain the following minimum requirements:
 - a. The name and address of all parties to the contract;
 - b. A complete itemized description of the work to be performed, including item prices. The work must be in accordance with recommendations on the Rehabilitation Technology Consultant's bidding form.

- c. The total cost of motor vehicle modification(s) and any relevant payment terms;
 - d. The projected date of completion of the contract work;
 - e. Specification of the warranties with respect to the workmanship and materials to be provided;
 - f. An acknowledgment by the contracting parties that the State of Rhode Island, acting through the Office of Rehabilitation Services, is not party to the contract. The vendor acknowledges that the client's obligation to pay is subject to the prior approval by the ORS of the completed work.
 - g. A statement that the vendor meets any and all applicable State or municipal licensing and/or registration requirements to engage in motor vehicle modification, and is approved by the manufacturer to install said adaptive equipment and that the vendor agrees to provide the individual with a disability with any certification or documents in proof thereof if required.
 - h. Acknowledgment by the vendor accepting the amount of the ORS check for vehicle modification services as payment in full.
 - i. Documentation that the vendor has completed a site visit with the individual to assess for himself the individual's needs and to conduct any measurements needed to make a proper bid. Any changes proposed after this site visit must be cleared through the agency's Rehabilitation Technologist before it is incorporated into the bid.
6. The counselor and the MVMC shall review the proposed contract and notify the individual with a disability of any deficiencies in the document with respect to the minimum requirements. The counselor must also advise the individual not to sign the contract until after notification from the MVMC that the contract has been approved for motor vehicle modification.
7. Once the individual, with the assistance of the MVMC and the counselor, has submitted the final proposed contract document, the MVMC shall review and approve or reject the contract documents. If approved, the MVMC shall notify the counselor that the individual is eligible for a direct motor vehicle modification payment from the agency in order to complete the motor vehicle modification according to the approved contract document and specifications. The counselor then notifies the individual that the contract has been approved (or denied, if not approved).

8. The counselor completes a T-2 form in the customer's name which shall specify the dollar amount of the motor vehicle modifications less any manufacturer's rebate and/or contribution by the individual and forward it to the Fiscal Unit.

J. Inspection and Payment Process

1. Before the approved vehicle modification has begun, the vendor will arrange with the MVMC for a midpoint inspection by the Rehabilitation Technologist to ensure compliance with the bid specifications.
2. Upon completion of the vehicle modification work, the vendor shall notify the Rehabilitation Technologist to arrange for a final inspection of the work.
3. Upon the individual's receipt of the Rehabilitation Technologist's written approval of the vehicle modification work, the individual with a disability will bill the agency for the completed work and the counselor will process payment.
4. Upon receipt of the check, the counselor will schedule a meeting with the individual with a disability, the vendor, and the MVMC, at which time the individual and the counselor will ensure that the following documentation is provided to the MVMC:
 - a. A copy of the signed and dated motor vehicle modification contract; and
 - b. Written approval from the Rehabilitation Technologist that the work has been completed in accordance with the specifications of this contract.
5. The individual with a disability will then endorse the check and turn it over to the vendor as payment; the counselor will make a copy of both sides of the endorsed check and maintain the copy in the case file.
6. Payment of any cost to the individual with a disability for the motor vehicle modifications is due at the time of completion, when the work is completed and inspected simultaneously by the client and ORS.
7. In the event that a proposed motor vehicle modification contract requires up-front partial payment before the motor vehicle modification, the vendor may submit to the MVMC a request for partial payment prior to the completion of the contract. The vendor must provide justification for an up-front partial payment and an itemized list of materials and supplies to be purchased. If the

request is approved, the MVMC may authorize the partial payment prior to the start of the work in an amount not to exceed the amount of materials and supplies required for the modifications.

8. If the MVMC approves the request for partial payment, the counselor shall authorize a partial payment in the customer's name for the amount specified above. The amount of the final payment of the contract shall be adjusted to reflect this authorized partial payment.
9. If modification rebates are available, they must be used toward the modification costs.
10. Upon receipt of the check, the counselor will meet with the vendor and the individual with a disability and make payment as in d. and e. above.

K. Training with Motor Vehicle Modifications

In all cases where motor vehicle modifications are provided by the agency to an individual with a disability who will also be the driver, the counselor will ensure that proper training is provided concurrently with the provision of motor vehicle modifications. The counselor will select a vendor licensed to provide driver training who is familiar with the motor vehicle technologies that enable the person with a disability to drive. The MVMC can assist the counselor in selecting the appropriate adaptive driving instructor. The only exception to this procedure is when replacement equipment is provided and the person with a disability is a licensed driver already using the provided adaptive driving equipment.